IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	Confirmation No.: 8339
Madeleine M. JOULLIE	Art Unit: 1654
Appl. No.: 10/550,196	Examiner: Cordero Garcia, Marcela M.
I. A. Filing Date: March 19, 2004	Atty. Docket: 1694.0610001/JMC/THN
For: **Tamandarin Analogs and Fragments Thereof and Methods of Making and Using**	

Response and Request for Reconsideration of Notice to Comply with Sequence Requirements

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

This letter responds to and requests reconsideration of the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures dated March 8, 2010. Specifically, in the Interview Summary dated March 12, 2010, the Examiner indicated a sequence listing is missing in claim 16, at paragraphs [0163], [0164] and [0172]-[0173], and compounds 41 and 42. Applicants respectfully traverse.

As recited by 37 C.F.R. § 1.821 "amino acid sequences as used in §§ 1.821 through 1.825 are interpreted to mean an ***unbranched*** sequence of ***four or more*** amino acids." Applicant notes that the point at which R^5 connects to the macrocycle represents a clear branching of the amino acid sequence. Moreover, "[b]ranched sequences are specifically excluded from this definition," according to these regulations. Further, compounds **23**, **24**, **31**, and **32** recited in paragraphs [0163], [0164], [0172], and [0173], respectively, and compounds **41** and **42** have only three amino acids. Thus, the

structures of claim 16 and compounds **23**, **24**, **31**, **32**, **41** and **42** fall outside of the bounds of the Sequence Rules.

Further, Applicant submits that the claimed molecules all include a D-amino acid within the core ring structure. In particular, each of the claimed formulae include a fragment with R^6 and OY attached to it. The configuration of this particular fragment is a D-amino acid and, thus, takes the claimed molecules outside the scope of the sequence listing rules.

Specifically, the carbon which R^6 is connected to in claim 1 is the α-carbon of that amino acid residue (isoleucine or valine, depending on the definition for R^6) and displays *R*-stereochemistry. Accordingly, that residue is either *D*-isoleucine or *D*-valine. 37 C.F.R. § 1.821(a)(2) recites that "[t]hose amino acid sequences containing *D*-amino acids are not intended to be embraced by this definition." Applicant respectfully submits that the structure of the residue falls outside of the bounds of the Sequence Rules.

Accordingly, Applicant respectfully requests that the requirement for compliance with 37 C.F.R. §§ 1.821 through 1.825 be withdrawn.

It is not believed that extensions of time are required, beyond those that may otherwise be provided for in accompanying documents. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees

required therefor are hereby authorized to be charged to our Deposit Account No. 19-0036.

Respectfully submitted,

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